

MINUTES OF SIOUX COUNTY BOARD OF SUPERVISORS

MEETING HELD ON OCTOBER 26, 2004

The Board of Supervisors of Sioux County, Iowa, met pursuant to adjournment at 9:30 o'clock a.m. with Chairman Mark Sybesma presiding. Members present were Loren Bouma, Vernon Beernink, Mark Sybesma, Bernard L. Smith and Stanley L. De Haan.

Minutes of Tuesday, October 12, 2004 were on motion and vote stand approved as submitted.

Committee reports were given this date.

Iowa Court of Appeals Judge Terry Huitink met with the Board this date to report that some attorneys from the Sioux County Bar Association have met and are working on some commemoration activities for the Court House Centennial Celebration. He said they have invited the Iowa Court of Appeals to hear arguments which will be informational and instructional in nature. He stated that three cases will be heard starting at 9:00 o'clock a.m. on Friday, November 12, 2004. That should take place until approximately 11:00 o'clock a.m. and then a public forum that would consist of several judges from different jurisdictions. It would consist of a question and answer session with a moderator present. The audience would consist of mainly high school students. He also stated that judges and attorneys will be coming from other counties

Iowa Court of Appeals Judge Terry Huitink stated that the library on second floor looks a little tacky. He stated a lot of the law books could be discarded except the Northwest Reporter series. He also readdressed the issue of maybe remodeling the library room on second floor into a larger jury room and conference rooms.

The consensus of the Board was to instruct Harley Kleinwolterink, Superintendent of Buildings and Grounds, to confer with Melissa O'Rourke, County Attorney, to determine which law books may be discarded.

Motion by De Haan and supported by Bouma to accept the following County Officer's report showing fees for the period ending September 30, 2004:

Quarterly

County Recorder \$50,934.38

Carried, unanimous in favor.

Motion by Beernink and supported by Smith to approve and authorize the Chairman to sign a flexible benefits premium advantage Section 125 cafeteria plan for Sioux County. Carried, unanimous in favor.

Motion by Bouma and supported by Beernink to approve and authorize the Chairman to sign a fair representation audit letter for Williams & Company of Le Mars. Carried, unanimous in favor.

Cheryl Heronemus, County Agricultural Extension Director, met with the Board this date to report on a leadership develop program being planned for January and February, 2005. The purpose of the program is to development dynamic leaders in Sioux County. The registration fee is \$225.00 per person. She also requested the Chairman of the Board to sign a proclamation designating the week of November 14 through 20, 2004 as Agricultural Extension Week.

Motion by Beernink and supported by De Haan to approve and authorize the Chairman to sign a proclamation designating the week of November 14 through 20, 2004 as Agricultural Extension Week. Carried, unanimous in favor.

Nancy Dykstra, Executive Director of Community Health Partners, met with the Board this date to report on the exploration of the feasibility of submitting a Community Health Center Application. Instead, she stated that they partnered with Siouxland Community Health Center explore the feasibility of them writing an expansion grant to develop a satellite center. She said that the Siouxland Community Health Center is interested in the idea. She stated that they will bring their mobile van to Sioux County to provide community health services. She also stated that an Ag Bio-Security program is being planned for March, 2005. The following persons were present for the aforementioned matter:

Alma Schmitt, representative for Iowa Department of Human Services
Kim Westerholm, representative for Community Health Partners

As 10:30 o'clock a.m. is the time and place fixed for a public hearing on the matter of the adoption of the proposed Urban Renewal District 1 Plan, the Chairperson first asked for the report of the Designated Representative Mark Chairman, Chairman of Board with respect to the consultation held with the affected taxing entities to discuss the proposed Plan. The Board was informed that the consultation was duly held as ordered by the Board, and that no written recommendations were received from affected taxing entities. The report of the Designated Representative with respect to the consultation was placed on file for consideration by the Board.

The Board also was informed by Mark Dunlop, County Emergency Management Director and Zoning Administrator, that the proposed Plan had been approved by the Planning and Zoning Commission as being in conformity with the general plan for development of the County as a whole, as set forth in the minutes or report of said Commission previously placed on file for consideration by the Board.

The Chairperson then asked Dennis Lange, County Auditor, whether any written objections had been filed with respect to the proposed Plan, and the County Auditor reported that no written objections thereto had been filed. The Chairperson then called for any oral objections to the adoption of the Urban Renewal District 1 Plan and none were made. The public hearing was then closed. The following persons were present for the matter of the adoption of the proposed Urban Renewal District 1 Plan:

Lois Huitink, County Deputy Auditor

Chairman Mark Sybesma closed the public hearing.

Board Member Vernon Beernink then introduced the following Resolution entitled "RESOLUTION DETERMINING AN AREA OF THE COUNTY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE COUNTY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING THE URBAN RENEWAL DISTRICT 1 PLAN THEREFOR" and moved that the same be adopted. Board Member Stanley L. De Haan seconded the motion to adopt. The roll was called and the vote was,

AYES: Loren Bouma, Vernon Beernink, Mark Sybesma, Bernard L. Smith, and Stanley L. De Haan

NAYS: None

Whereupon, the Chairperson declared the resolution duly adopted as follows:

RESOLUTION NO. 2004-27

RESOLUTION DETERMINING AN AREA OF THE COUNTY TO BE AN ECONOMIC DEVELOPMENT AREA, AND THAT THE REHABILITATION, CONSERVATION, REDEVELOPMENT, DEVELOPMENT, OR A COMBINATION THEREOF, OF SUCH AREA IS NECESSARY IN THE INTEREST OF THE PUBLIC HEALTH, SAFETY OR WELFARE OF THE RESIDENTS OF THE COUNTY; DESIGNATING SUCH AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT; AND ADOPTING THE URBAN RENEWAL DISTRICT 1 PLAN THEREFOR.

WHEREAS, this Board has reasonable cause to believe that the area described below satisfies the eligibility criteria for designation as an urban renewal area under Iowa law; and

WHEREAS, a proposed Urban Renewal District 1 Plan for the area described below has been prepared, which proposed Plan is on file in the office of the County Auditor and which is incorporated herein by reference; and

WHEREAS, this proposed Urban Renewal Area includes and consists of:

Sections 26 and 35, in Township 96 North, Range 46 West of the 5th P.M., Sioux County, Iowa; and Sections 1 and 2, 11 and 12, 13 and 14, all in Township 95 North, Range 46 West of the 5th P.M., Sioux County, Iowa; and Sections 6 and 7, in Township 95 North, Range 45 West of the 5th P.M., Sioux County, Iowa; and, the Southwest Quarter of the Northwest Quarter (SW $\frac{1}{4}$ NW $\frac{1}{4}$), and the West Half of the Southwest Quarter (W $\frac{1}{2}$ SW $\frac{1}{4}$), all in Section 5, Township 95 North, Range 45 West of the 5th P.M., Sioux County, Iowa; and, the West Half of Section 8, Township 95 North, Range 45 West of the 5th P.M., Sioux County, Iowa; and, all of the right-of-way for roads and highways adjacent to the above described property; and, the right-of-ways for roads and highways located between Section 25 and 26, and 35 and 36, all in Township 97 North, Range 46 West of the 5th P.M., Sioux County, Iowa; and, the right-of-ways for roads and highways located between Sections 1 and 2, 11 and 12, 13 and 14, 23 and 24, all in Township 96 North, Range 46 West of the 5th P.M., Sioux County, Iowa.

WHEREAS, it is desirable that these areas be redeveloped as part of the overall redevelopment area covered by said proposed Urban Renewal Plan to be known hereafter as the "Urban Renewal District 1 Plan"; and

WHEREAS, this Area is within two miles of the City of Sioux Center and the County has entered into a joint agreement with said City to allow the County to operate within the Area; and

WHEREAS, the Iowa statutes require the Board of Supervisors to submit the proposed Urban Renewal District 1 Plan to the Planning and Zoning Commission for review and recommendation as to its conformity with the General Plan for development of the County as a whole, prior to Board of Supervisors approval of such urban renewal project and an urban renewal plan therefore; and

WHEREAS, creation of the Urban Renewal District 1 Plan Area and adoption of the Urban Renewal District 1 Plan therefore has been approved by the Planning and Zoning Commission for the

County as being in conformity with the general plan for development of the County as a whole, as evidenced by its written report filed herewith and incorporated herein by this reference; and

WHEREAS, a joint agreement has been entered into between the County and the City of Sioux Center as the proposed Urban Renewal District is within 2 miles of the City; and

WHEREAS, by resolution adopted on September 27, 2004, this Board directed that a consultation be held with the designated representatives of all affected taxing entities to discuss the proposed Urban Renewal District 1 Plan and the division of revenue described therein, and that notice of said consultation and a copy of the proposed Urban Renewal District 1 Plan be sent to all affected taxing entities; and

WHEREAS, pursuant to such notice, the consultation was duly held as ordered by the Board of Supervisors and all required responses to the recommendations made by the affected taxing entities, if any, have been timely made as set forth in the report of the Designated Representative filed herewith and incorporated herein by this reference, which report is in all respects approved; and

WHEREAS, by said resolution this Board also set a public hearing on the adoption of the proposed Urban Renewal District 1 Plan for this meeting of the Board, and due and proper notice of said public hearing was given, as provided by law, by timely publication in "The Sioux County Capital-Democrat", "The Siouxland Press" and "The Sioux Center News", which notice set forth the time and place for this hearing and the nature and purpose thereof; and

WHEREAS, in accordance with said notice, all persons or organizations desiring to be heard on said proposed Plan, both for and against, have been given an opportunity to be heard with respect thereto and due consideration has been given to all comments and views expressed to this Board in connection therewith and said public hearing has been closed.

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF SUPERVISORS OF THE COUNTY OF SIOUX, STATE OF IOWA:

Section 1. That the findings and conclusions set forth or contained in the proposed "Urban Renewal District 1 Plan" for the area of Sioux County, Iowa legally described and depicted in the Plan and incorporated herein by reference (which area shall hereinafter be known as the "Urban Renewal District 1 Plan Area"), be and the same are hereby adopted and approved as the findings of this Board for this area.

Section 2. This Board further finds:

- a. A feasible method exists for the location of families who will be displaced from the Urban Renewal District 1 Plan Area into decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families;
- b. The Urban Renewal District 1 Plan conforms to the general plan for the development of the County as a whole; and
- c. As to those areas of open land to be acquired by the County included within the Urban Renewal District 1 Plan Area:

i. No portions thereof are to be developed for residential uses, but if such use occurs, this Board of Supervisors will first determine that a shortage of housing of sound standards and design with decency, safety and sanitation exists within the County; that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; and that one or more of the following conditions exist:

A. That the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas, including other portions of the urban renewal area.

B. That condition of blight in the municipality and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime, so as to constitute a menace to the public health, safety, morals, or welfare.

C. That the provision of public improvements related to housing and residential development will encourage housing and residential development which is necessary to encourage the retention or relocation of industrial and commercial enterprises in this state and its municipalities.

D. The acquisition of the area is necessary to provide for the construction of housing for low and moderate income families.

ii. With reference to those portions thereof which are to be developed for non-residential uses, such non-residential uses are necessary and appropriate to facilitate the proper growth and development of the County in accordance with sound planning standards and local community objectives.

Section 3. That the Urban Renewal District 1 Plan Area is an economic development area within the meaning of Iowa Code Chapter 403; that such area is eligible for designation as an urban renewal area and otherwise meets all requisites under the provisions of Chapter 403 of the Code of Iowa; and that the rehabilitation, conservation, redevelopment, development, or a combination thereof, of such area is necessary in the interest of the public health, safety or welfare of the residents of this County.

Section 4. That the Urban Renewal District 1 Plan, attached hereto as Exhibit A and incorporated herein by reference, be and the same is hereby approved and adopted as the "Urban Renewal District 1 Plan for the Urban Renewal District 1 Plan Area"; the Urban Renewal District 1 Plan for such area is hereby in all respects approved; and the County Auditor is hereby directed to file a certified copy of said Urban Renewal District 1 Plan with the proceedings of this meeting.

Section 5. That the Urban Renewal District 1 Plan for the Urban Renewal District 1 Plan Area shall be in full force and effect from the date of this resolution until the later of the date of termination set forth in the Urban Renewal District 1 Plan or the date on which payment of all obligations issued or advances made to carry out the purposes thereof shall be fully provided for. Said Urban Renewal District 1 Plan shall be forthwith certified by the County Auditor, along with a copy of this Resolution, to the Recorder for Sioux County, State of Iowa, to be filed and recorded in the manner provided by law.

PASSED AND APPROVED this 26th day of October, 2004.

/s/ Mark Sybesma
Chairperson, Board of Supervisors

ATTEST: /s/ Dennis Lange
Sioux County Auditor

The Board set 10:15 o'clock a.m. on November 9, 2004 as the time and date for reading of Ordinance 16 to implement an urban renewal plan for Urban Renewal District 19 .

Doug Julius, County Engineer, was attending a conference and was not present for the meeting.

An agenda was provided by Doug Julius, County Engineer, for the County Board of Supervisors to follow:

Motion by Smith and supported by De Haan to approve and authorize the Chairman to sign the following documents:

Permit Agreement with North West REC for a road right-of-way crossing located in Section 23 of West Branch Township.

Permit Agreement with North West REC for road right-of-way crossings located in Sections 20 and 21 of West Branch Township.

Permit Agreement with Hickory Tech for a road right-of-way crossing located in Section 34 of Rock Township.

Permit Agreement with Hospers Telephone Company for road right-of-way located in Section 35 of Lynn Township.

Permit Agreement with Richard Atsma of Granville for a road right-of-way located in Section 24 of East Orange Township.

Carried, unanimous in favor.

The asbestos removal in the old County Jail Building started on October 25, 2004.

Urban Renewal District 1 update as follows:

1. Preliminary survey complete except in areas where corn has not been harvested.
2. Preliminary design to begin as soon as remaining survey elevations can be collected.
3. Continuing to collect the necessary information for RISE (Revitalized Iowa's Sound Economy) application.

A written report of various secondary road projects in the county was provided.

The Board approved payment of claims as presented by the County Auditor from all departments this date.

The Chairman adjourned the meeting until Tuesday, November 9, 2004.

Mark Sybesma, Chairman
Sioux County Board of Supervisors

ATTEST: Dennis Lange
Sioux County Auditor